

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANNETTE WEBB,

Plaintiff,

vs.

THE CITY OF OMAHA, a municipal
corporation, OMAHA POLICE OFFICERS
RIMA and VILLWOK and DOES I through X,
in their individual and official capacities,

Defendants.

Case No. 8:06CV00757

MOTION TO DISMISS

COMES NOW the Defendant City of Omaha and pursuant to Federal Rule of Civil Procedure 12b(1) and (6), moves the Court to dismiss Plaintiff's pendent state claims for alleged "assault" and "unlawful detainer" in her Complaint, on the following grounds: (1) lack of jurisdiction over the subject matter and (2) failure to state a claim upon which relief can be granted. Such claims are barred by NEB. REV. STAT. §§ 13-910(7) and 13-919(1).

WHEREFORE, the Defendant City of Omaha prays that the pendent state law claims for alleged assault and unlawful detainer be dismissed with prejudice, and that it be awarded its costs and attorney fees.

CITY OF OMAHA, Defendant

s/ Alan M. Thelen

By _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 16, 2007, I electronically filed the foregoing Defendant's **MOTION TO DISMISS** using the CM/ECF system which sent notification of such filing to Sheri E. Long Cotton, 1011 Switchyard Street, #3322, Fort Worth, TX 76107; and also sent a copy by regular U.S. Mail, postage prepaid, to Sheri E. Long Cotton at the same address.

s/ Alan M. Thelen
